IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2636 OF 2004

Bharitkar Bapu Kondaji ...Petitioner

Versus

University of Mumbai and Ors. ...Respondents

Mr. Mihir Desai for the petitioner.
Mr. Susheel Mahadeshwar for respondents.
Mr. Rafiq Dada, Senior Counsel, *amicus curiae* preent.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **OCTOBER 25, 2004**.

P.C.

We have heard the learned counsel for the parties.

2. The parties have agreed to comply with the following suggestions, which shall be observed with a view to ensuring transparency and effectiveness of the examinations of the Mumbai University:

(a) The system of revaluation of examination is again introduced. Revaluation should be done only if a Committee appointed by the Vice-Chancellor directs revaluation, on the basis of the application of the student and a scrutiny of the answer book.

(b) The marks given by the Moderator in random moderation shall

not be given effect to unless the marks are within 10% of the original marks given by the examiner. If the marks are beyond 10 per cent of the original marks, the correction of the paper must be referred to a Senior Member of the teaching faculty of the same subject. The marks given by such a Senior Member must prevail.

(c) Application for photo copies of the answer book must be granted within three weeks from the date of the application and photocopies shall be made ready for delivery within the aforesaid period;

(d) Charges for application are reduced from Rs.400/- per answer book to Rs.100/- per answer book, for reverification.

(e) The Controller of Examinations shall make a report every month to the Vice-Chancellor giving full details of the applications made for verification/revaluation, the change in marks, and the time within which the photocopy/result was furnished to the student.

(f) If examiners are found careless, appropriate action be taken against them.

(g) The University would charge Rs.500/- for revaluation of answer book per subject. In the event of the revaluation of answer

books resulting in an increase beyond 10% of the original marks, the entire fee shall be refunded. The University shall otherwise be entitled to appropriate the entire fee.

3. The petition is accordingly disposed of .

4. We place on record our appreciation for the services rendered by the learned *amicus curiae* Mr. Rafiq Dada, learned Senior Counsel.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.